

REMARKS

Claims 6-8, 11 and 17 are withdrawn. Claims 1, 4, 9, 14 and 18 are rejected under 35 U.S.C. §102(b) as anticipated by United States Patent No. 6,513,835 (Thomas et al.). Claims 19 and 20 are rejected under 35 U.S.C. §102(c) as anticipated by United States Patent No. 6,565,114 (Thomas). Claims 2, 3, 5, 10, 12, 13, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Rejections Under Section 102(b): Anticipation by Thomas et al. (6,513,835)

Claims 1, 4, 9, 14 and 18 are rejected under 35 U.S.C. §102(b) as anticipated by United States Patent No. 6,513,835 (Thomas et al.). For a claim to be properly rejected as anticipated under 35 U.S.C. § 102, every element and limitation found in the rejected claim must be found in the Section 102 reference cited by the Examiner. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See MPEP §2131.

Independent claims 1, 14 and 18 are amended to specify that the “first broad portion extends from said cap portion opposite said rod portion”. This amendment presents no new matter, as each air bag system embodiment disclosed includes a broad portion extending from a cap portion opposite a rod portion. For example, broad portion 64 (Figures 2A and 2B) extends from cap portion 44 opposite rod portion 46. The same claimed configuration is also true of broad portions 64A (Figures 3 and 4), 68B (Figure 5A), 64C (Figure 6A), 64D (Figure 6B), and 64E (Figure 6C).

As illustrated in Figure 2B of United States Patent No. 6,513,835 (Thomas et al.), broad portion 82 of extends from the cap portion 70 on the same side as the body 68 (referred to as the rod portion by the Examiner). Thus, the broad portion 82 cannot “extend from the cap portion opposite said rod portion” as required by amended claims 1, 14 and 18. For at least this reason, the rejection of claims 1, 14 and 18, as well as claims 4 and 9 which depend from claim 1, is overcome.

Rejections Under Section 102(c): Anticipation by Thomas (6,565,114)

Claims 19 and 20 are rejected under 35 U.S.C. §102(c) as anticipated by United States Patent No. 6,565,114 (Thomas). Claim 19 is amended to recite the following steps for the method of assembling an air bag system:

securing said tether release/vent-modifying mechanism directly to said air bag retainer;
connecting said air bag to said air bag retainer;
restraining said tether elements at said movable member;
after said securing and said connecting, attaching said air bag retainer to said module housing such that said air bag is retained by said housing upon inflation of said air bag; and
attaching said inflator to said module housing.
(emphasis added)

Thus, as amended, the air bag retainer is not attached to the module housing until *after* the tether release/vent-modifying mechanism is secured directly to the air bag retainer and *after* the air bag is connected to the air bag retainer. As set forth in paragraph [0053] of the application:

a method of assembling an air bag system (such as air bag system 14 of Figure 1) includes securing a tether release/vent-modifying mechanism such as tether release/vent-modifying mechanism 30A to a cushion retainer such as cushion retainer 112. The method further includes connecting an air bag (not shown) to the cushion retainer. The method further includes restraining tether elements 60A (one shown) at the rod portion 46A of the movable member 42A. The method further includes, after securing the tether release/vent-modifying mechanism 40A to the cushion retainer 112, attaching the cushion retainer 112 to the module housing 18A such that the air bag 16A is retained by the housing 18A upon inflation of the air bag 16A. The method further includes attaching the inflator 32A to the module housing 18A.

By contrast, United States Patent No. 6,565,114 (Thomas) teaches the following:

The housing 10 is formed to support the air bag 12 having a cushion 28 with tethers 30 and a multiplicity of holes 32 along flaps 34 of both sides of the air bag 12. **Retainers, such as studs 40 or the like fasteners, are pressed through holes 38 of the support structure 16 and through holes 32 along flaps 34 of the air bag 12.** The cushion 28 is folded and placed over the support structure 16. The flaps 34 on the cushion 28 are folded around the edges 36 of the support structure 16 to mate with holes 38 in the underside of the support structure 16. A perforated semi-cylindrical rigid diffuser 42, a rigid semi-cylindrical strap 44 and optional protrusion 46 on the support structure 16 help prevent the cushion 28 from sagging into the housing 10 and interfering with the inflator 14 and moveable member 20.

The support structure 16 with attached air bag 12 is **then** dropped into housing container 18 so that the studs 40 protrude through holes 48 within the bottom of housing container 18.

(Col. 2, lines 51-66, emphasis added)

Thus, the air bag 28 of United States Patent No. 6,565,114 is connected to the Examiner-named air bag retainer 18 only **after** the air bag 28 has already been attached to the Examiner-named module housing 16. This is **opposite** the order required by amended claim 19, where “attaching said air bag retainer to said module housing” specifically occurs only after “connecting said air bag to said air bag retainer”. Furthermore, the air bag assembly disclosed in United States Patent No. 6,565,114 (Thomas) cannot be assembled according to the method of claim 19. The air bag retainer of the 6,565,114 patent (i.e., the component that has the tether release/vent-modifying mechanism directly secured thereto, as required by claim 19), cannot have the air bag 28 connected to it and then afterward be attached to the module housing 16, per the required order of claim 19, because the bolts 40 that connect the air bag 28 to the air bag

retainer 18 also attach the air bag retainer 18 to the module housing 16. Thus, once the bolts 40 connect the air bag 28 to the air bag retainer, they have also attached the air bag retainer 18 to the module housing 16, as the holes 32 in the air bag 28 are positioned between the module housing 16 and the air bag retainer 18 in the final assembly. Attaching the air bag retainer 18 to the module housing 16 cannot possibly occur after connecting the air bag 28 to the retainer 18 in the air bag assembly 10 of United States Patent No. 6,565,114 (Thomas). For at least this reason, the rejection under Section 102(c) of claim 19 and dependent claim 20 is overcome.

Conclusion

In light of the amendments to the claims and the above remarks, remaining claims 1-5, 9-10, 12-16 and 18-20 are in condition for allowance, which action is respectfully requested.

Please charge any fees that may be due to deposit account 07-0960.

Respectfully submitted,

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